

## REMARKS

Claims 1-4 and 6-9 stand rejected. Claims 1 and 8-9 have been amended. Claims 10-11 are newly added. Claims 1-4 and 6-11 are presently pending in the application. Favorable reconsideration in view of the following remarks is earnestly solicited.

The basis for the amendment to claims 1, 8 and 9 as well as newly added claim 11 can be found in paragraph [0003] of the specification.

### **Rejection under 35 U.S.C. § 103(a) over Asgharian et al.:**

The Office Action dated January 13, 2009 rejects claims 1-4 and 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Asgharian et al. (U.S. 6,139,646) indicating that Asgharian et al. teaches the use of a simple saccharide in a composition that contains PHMB. In light of the instant amendment to claims it is respectfully urged that this rejection is moot.

The instant claims relate to an ophthalmic solution and a method of applying the solution in which the solution is physiologically compatible with direct contact with corneal eye tissue. When utilizing a solution that comes in direct contact with the eye, it is important to ensure that none of the components of the solution would provide any adverse effects.

Enzyme solutions, such as those taught by Asgharian et al., are often used to digest protein build up on contact lenses. The enzymes digest the protein and therefore remove the build up on the lens. However, enzyme solutions would be detrimental if they came in direct contact with the eye. The enzyme would digest the proteins naturally found in the eye causing severe adverse effects. Therefore, it is important to properly rinse and then disinfect contact lenses after using an enzyme solution prior to returning the contact lens to the eye.

Asgharian et al. explicitly recites a liquid enzyme composition (abstract) for cleaning a contact lens. However, this enzyme composition would not be suitable for direct eye contact as enzyme solutions are known to those skilled in the art to be harmful to the eye. As the instant claims, as amended, recite a solution that is physiologically

compatible with direct contact with corneal tissue it is respectfully requested that this rejection be withdrawn.

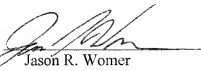
Applicant respectfully submits that Claims 1, 8, 9, 11 and all claims that depend therefrom are therefore in condition for allowance.

Applicant appreciates the opportunity to call the Examiner but believes that the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned attorney if he has any matters to address that will facilitate allowance of the application.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 50-3010.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

By: 

Jason R. Womer  
Reg. No. 60,149  
2000 HSBC Plaza  
100 Chestnut Street  
Rochester, NY 14604  
Tel: (585) 295-4400 x-4306  
Fax: (585) 295-8431